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SUBJECT: NKUNDA STATUS -- MONUC'S ELEPHANT IN THE ROOM?

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Classified By: Charge d'Affaires Samuel V. Brock for reasons 1.4 (b) and (d).

¶1. (C) During a June 18 briefing to Kinshasa based diplomats, MONUC's Political Affairs Division Officer in Charge (PAD-OIC) Christian Manahl (please protect) voiced concern that progress on improving DRC-Rwanda bilateral relations had "cooled", noting that the "4X4" bilateral commission (reftel) had not met since March 2009. In a subsequent one-on-one meeting with poloff, Manahl re-stated his concern about DRC-Rwandan bilateral relations, particularly as there seems to be no progress towards resolving the "Laurent Nkunda question." Noting that there have been bilateral discussions on the extradition of Nkunda from Rwanda to the DRC, he speculated that while the Rwandans may officially claim that the GoR cannot extradite Nkunda to a country that enforces the death penalty, this may not be the primary reason he has not been extradited. According to Manahl, the DRC wants nothing less than a public transfer of Nkunda to the DRC to face charges.

¶2. (C) Manahl then asked poloff if the U.S. could play a role to facilitate the transfer of Nkunda to a third country (he suggested Ethiopia). He admitted that the Congolese might be disappointed that Nkunda was not extradited to the DRC, but this let-down would be temporary and that the transfer would pave the way for improved bilateral relations. He added that MONUC had not historically enjoyed good relations with Kigali, nor did it at present, and that the USG might be better positioned than MONUC to facilitate a solution.

¶3. (C) Comment: Manahl has been MONUC's PAD-Officer in Charge since 2007, consistently serving as a reliable embassy interlocutor with a wide network of contacts in the region. We do not necessarily share the same level of alarm about the possibility of deteriorating relations between Kigali and Kinshasa. First, the rapprochement in late 2008/early 2009 was based on a mutual recognition that dealing jointly with armed rebel groups (CNDP, FDLR) was in the security interest of both the DRC and Rwanda. A real deepening of relations, across a full range of issues, will take time. Second, the infrequency of 4X4 meetings may actually indicate that both sides see less of a need to hold regular meetings in this forum. "The Nkunda question," however, is a potential roadblock to building up long-term trust between the two governments. The DRC and Rwanda should be given the chance to settle the Nkunda question bilaterally as a stone in the road to improved relations; however, if it becomes more of an impediment to improved relations between the two neighbors, it may be necessary for third parties to facilitate a mutual resolution, perhaps even exile into a third country. We do not recommend a USG role at the present time in facilitating Nkunda's transfer to a third country. The issue is too

politicized in the DRC and the prospects for achieving a transfer with GDRC support are probably thin. In the meantime, we do recommend continuing with our efforts, through Tripartite Plus and in other ways, to promote confidence-building measures such as maintaining and intensifying the 4X4 talks, obtaining greater support for the Economic Community of the Great Lakes Countries (CEPGL) and achieving the prompt exchange of ambassadors. We would welcome Embassy Kigali's views. End comment.
BROCK